Nelson Mullins

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August 15, 2005

Mr. Charles Terreni, Chief Clerk Public Service Commission of South Carolina P.O. Drawer 11649 Columbia, SC 29211

Re: Generic Proceeding to Explore a Formal Request for Proposal Process for Utilities that are Considering Alternatives for Adding Generating Capacity
Docket No. 2005-191-E

Dear Mr. Terreni:

Enclosed for filing on behalf of LS Power Associates, L.P., please find a Petition to Intervene in the above referenced matter. Please return a file stamped copy to us in the enclosed envelope.

By copy of this letter, we are serving a copy of the same on all parties of record. Should you have any questions, please do not hesitate to contact me.

Sincerely yours,

kevin A. Hall

KAH:dj Enclosures

cc: Len S. Anthony, Esquire
Kendal Bowman, Esquire
Richard L. Whitt, Esquire
William F. Austin, Esquire
Patricia B. Morrison, Esquire
Belton T. Zeigler, Esquire
C. Dukes Scott, Esquire
Frank R. Ellerbe III, Esquire

BEFORE THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

DOCKET NO. 2005-191-E

In re:)	
Generic Proceeding to Explore a)	PETITION TO INTERVENE OF
Formal Request for Proposal Process For Utilities That Are Considering)	LS POWER ASSOCIATES, L.P.
Alternatives for Adding)	
Generating Capacity)	

LS Power Associates, L.P., hereby petitions the Public Service Commission of South Carolina ("Commission") pursuant to S.C. Regs. Sections 103-830, 103-836, and other applicable rules, for permission to intervene in the above-captioned proceeding. In support of this Petition, LS Power Associates, L.P., would show the following:

1. LS Power Associates, L.P., is a Delaware limited partnership, that, through a number of wholly-owned subsidiaries, develops and owns independent power projects in the United States. LS Power Associates, L.P., is headquartered in East Brunswick, New Jersey, and is managed by LS Power Development, LLC (collectively referred to as "LS Power"). LS Power is a developer, owner, operator and manager of generation facilities and currently has properties in various stages of development throughout the United States, including potential generation facilities that could be located in or able to serve South Carolina. Since 1990, LS Power and its predecessor companies have developed power generation projects totaling in excess of 5,700 megawatts (MW) of electrical output and representing a capital investment of

approximately \$3 billion. As a potential supplier, LS Power's intervention in this proceeding is in the public interest.

2. LS Power's authorized representatives in this proceeding are as follows:

Kevin A. Hall
D. Larry Kristinik
Nelson Mullins Riley & Scarborough LLP
Meridian/17th Floor
1320 Main Street
Columbia, South Carolina 29201

Telephone:

803.255.9522

Facsimile:

803.255.9030

- 3. In the course of Docket No. 2004-178-C, a party intervenor proposed that the Commission initiate a rulemaking proceeding to consider a competitive bidding process for utilities considering construction of additional generating capacity. The Commission decided to open a generic proceeding to explore a formal request for proposal ("RFP") process for utilities that are considering adding generating capacity.
- 4. On July 12, 2005, the Commission issued a notice establishing this generic proceeding to explore a formal RFP process.
- 5. LS Power sells electricity on the wholesale market and therefore has an interest in this proceeding as a potential supplier. LS Power's intervention in this docket will assist the Commission by helping the Commission to develop a complete record to address the issues raised in this proceeding.
- 6. LS Power is informed and believes that granting this Petition to Intervene is in the public interest and furthers the Commission's policy of promoting public participation in pending matters.

7. LS Power anticipates having one witness in this proceeding and that one hour will be necessary for presentation of this witness' testimony. LS Power will advise the Commission immediately should the number of witnesses or time anticipated for presentation change.

WHEREFORE, LS Power prays for the following relief:

- A. That this petition to intervene be granted by the Commission and that LS Power be made a formal party of record to the proceeding;
- B. That LS Power be allowed to participate fully in this proceeding and to take such positions as it deems advisable; and
- C. That such other and further relief be granted as is just and proper.

NELSON MULLINS RILEY & SCARBOROUGH LLP

Kern A Hall

E-Mail Address: kevin.hall@nelsonmullins.com

D. Larry Kristinik

E-Mail Address: larry.kristinik@nelsonmullins.com

1320 Main Street / 17th Floor Post Office Box 11070 (29211)

Columbia, SC 29201

(803) 799-2000

Attorneys for Petitioner

Columbia, South Carolina

BEFORE THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

DOCKET NO. 2005-191-E

In re:)		1,
Generic Proceeding to Explore a Formal Request for Proposal Process For Utilities That Are Considering Alternatives for Adding Generating Capacity))))	CERTIFICATE OF SERVICE	Aces (
	_)		

This is to certify that I, Deborah L. Johnson, an Administrative Assistant with the law firm of Nelson Mullins Riley & Scarborough, L.L.P., have this day caused to be served upon the persons named below the **Petition to Intervene of LS Power Associates**, **L.P.** in the foregoing matter by placing a copy of same in the United States Mail, postage prepaid, to the below addresses:

Len S. Anthony, Esquire Progress Energy Service Company, LLC P.O. Box 1551 Raleigh, NC 27602

Kendall Bowman, Esquire Progress Energy Service Company, LLC P.O. Box 1551 Raleigh, NC 27602

William F. Austin, Esquire Austin, Lewis & Rogers, P.A. P.O. Box 11716 Columbia, SC 29211

Richard L. Whitt, Esquire Austin, Lewis & Rogers, P.A. P.O. Box 11716 Columbia, SC 29211 Patricia Banks Morrison, Esquire 1426 Main Street, Legal Department 130 Columbia, SC 29218

Belton T. Zeigler, Esquire Law Office of Belton T. Zeigler 1122 B. Barnwell Street Columbia, SC 29201

C. Dukes Scott, Esquire Office of Regulatory Staff 1441 Main Street, Third Floor Columbia, SC 29201

Frank R. Ellerbe III, Esquire Robinson McFadden 1901 Main Street, Suite 1200 P.O. Box 944 Columbia, SC 29202

Deborah L. Johnson

August 15, 2005